

## ARTICLE 4

### SPECIAL AND OVERLAY DISTRICT REGULATIONS

#### PART 0 SPECIAL AND OVERLAY DISTRICTS IN GENERAL

##### 4-001 Special and Overlay Districts

For the purpose of this ordinance, the following special and overlay districts are established:

Planned Residential Development District (PRD)  
Affordable Housing Overlay District (AH)  
Historic Area Overlay District (HA)  
Floodplain Overlay District (FP)  
Airport Area District (AP)  
Planned Commercial Industrial Development District (PCID)  
Planned Development Mixed Use District (PDMU)

##### 4-002 General Provisions

1. Purpose and Intent -- Special and overlay districts as established hereafter are created for the purpose of imposing special regulations in designated areas of the County to accomplish the stated purposes that are set forth for each district. Special districts are districts that are separately zoned and intended to allow for and encourage types of development other than that normally associated with conventional zoning districts. Overlay districts, on the other hand, are not separate districts but are for the purpose of establishing additional standards and requirements which shall overlay and overlap all other zoning districts within which land placed in each district shall also lie. As such, any parcel of land contained in an overlay district shall also lie in one or more of the other underlying zoning districts provided for in this ordinance.
2. Establishment -- Special districts, overlay districts and amendments thereto shall be established in the manner provided for all the Sections of this ordinance below regulating such districts and by the procedures set forth in Article 13 of this Ordinance, unless such procedures are qualified or modified by the provisions of a particular special or overlay district as set forth herein.

#### PART 1 4-100 SPECIAL DEVELOPMENT - PLANNED RESIDENTIAL DISTRICT

##### 4-101 PURPOSE AND INTENT

The Planned Residential District (PRD) is intended to permit development in accordance with the Comprehensive Plan of a mixed-use community which is under one ownership or control. Planned Residential Developments shall be planned and developed as a single entity, subject to an approved Development Plan, and shall be designed as to permit a variety of residential unit types in an orderly relationship to one another, with a balance of support commercial uses, community amenities and open space areas.

It is intended that these regulations provide flexibility in residential development by providing for a mix of residential uses, including housing types, densities and alternative forms of housing, with appropriate non-residential uses, flexibility in internal relationships of design elements and, in appropriate cases, increases in residential densities over that provided in conventional districts

**4-102**

**Size and location**

The minimum area required for the initial establishment of a PRD shall be 25 acres. Additional areas may be added to an established PRD if they adjoin and form a logical addition to an established PRD. The minimum acreage for such addition shall be five acres. Procedures for any additions shall be the same as for establishing an initial PRD.

PRD's shall be located within the Service Districts as designated in the Comprehensive Plan. The PRD shall also be located within an area in the Service District that the Comprehensive Plan designates for planned residential development and which has sufficient infrastructure to support the proposed development, including roads, public facilities and utilities, or where sufficient infrastructure is planned and expected to be in place. In cases where necessary infrastructure is not yet available the applicant shall make provisions for the necessary infrastructure in the development plan.

**4-103**

**Principal Uses Permitted**

The following principal uses shall be permitted, subject to designations of areas and sites for such uses in the approved Development Plan and subject to the use limitations set forth in Section 4-106 below:

- (a) Detached, single family dwellings
- (b) Attached, single family dwellings including duplex, townhouses, atrium houses and patio houses
- (c) Multi-family dwellings
- (d) Urban cottages, if accessory to a detached, single family dwelling

**4-104**

**Secondary Uses Permitted**

The following secondary uses shall be permitted only in a PRD which contains one or more principal uses; subject to designation of areas and sites for such uses in the approved Development Plan and subject to the use limitations set forth in Section 4-106 below:

- (a) Parks, playgrounds, community centers and non-commercial recreational and cultural facilities such as tennis courts, swimming pools, game rooms, libraries and related facilities.
- (b) Electric, gas, water, sewer and communication facilities, including transformers, pipes, meters, pump stations and related facilities for distribution of local service.
- (c) Public uses and public buildings such as schools, post offices,

governmental offices and roads.

- (d) Accessory uses and structures including home occupations, storage buildings and efficiency apartments.
- (e) Temporary buildings, the uses of which are incidental to construction during development being conducted on the same or adjoining tract or section which shall be removed upon completion or abandonment of such construction.
- (f) Day care, child care, or nursery facility
- (g) Place of worship
- (h) Financial institutions
- (i) Eating establishments
- (j) Drug stores
- (k) Barber and beauty shops
- (l) Dry cleaners and laundries
- (m) Bakeries
- (n) Florist, gift and antique shops
- (o) Retail stores, including food and hardware stores
- (p) Convenience stores
- (q) Offices, including medical facilities and professional and business offices
- (r) Theaters
- (s) Farmer's market
- (t) Retail nurseries and greenhouses
- (u) Residential dwelling units co-located with Commercial/Office uses
- (v) Bed and breakfast, inn
- (w) Continuing care facilities

#### **4-105**

#### **Special Exception Uses**

The following uses may be approved by the Board of Supervisors either in conjunction with the establishment of the PRD or, if following the establishment of the PRD, pursuant to the provisions of Section 4-100 and 13-200 of this ordinance, and if approved, may be the subject of certain conditions:

- (a) Any use listed in Sections 103 and 104 above which was not specifically designated in the approved Development Plan establishing the PRD.
- (b) Warehouses and storage buildings
- (c) Service stations, including convenience stores and gas pumps
- (d) Light industrial uses including enclosed laboratories and facilities for manufacturing, assembling and research and development.
- (e) Commercial Recreational Facilities
- (f) Continuing care facilities

#### **4-106**

#### **Use Limitations**

Unless otherwise specified in this Article or modified pursuant to Section 4-112 below, all uses shall conform to the general and specific use limitations and performance standards of Article 6 (Accessory Uses, Accessory Service Uses and Home Occupations); Article 7 (Off-Street Parking and Loading, Private Streets); Article 8 (Signs); and Article 9 (Performance Standards) of this Ordinance. Specific use limitations relating to the PRD are:

- (a) Commercial uses within the PRD shall be designed to serve primarily the needs of the residents of the proposed community and nearby areas and such uses, including offices and retail, shall be located and designed to protect the primary residential character of the PRD.
- (b) A maximum of 100 square feet of commercial floor area shall be permitted for each dwelling unit.
- (c) The maximum land area utilized for commercial use shall not exceed 10 percent of the total land area of the PRD.
- (d) Secondary uses of a commercial and office nature shall be permitted only in a PRD which has a minimum of 50 residential dwelling units.
- (e) Service stations shall be located only in commercial areas where there are at least three other, uses that are not related to the sale of automobiles, equipment or auto-related services. In addition, there shall be no vehicle or tool rental; no outside storage or display of goods offered for sale.
- (f) Urban cottages shall be accessory to a single family detached principal dwelling unit and subject to the following restrictions and conditions:
  - 1) Only one urban cottage shall be allowed per lot. Said lot shall have a minimum size of 7,500 square feet. Urban cottages shall be limited to 20% of the total dwellings in the PRD. The Concept Development Plan shall show residential land bays where urban cottages may be permitted.
  - 2) The maximum gross floor area shall be 1,200 square feet.
  - 3) The maximum height shall be 30 feet.

- 4) One additional parking space shall be required for an urban cottage.
- 5) Urban cottages shall require a site plan submitted and approved pursuant to Section 12 of this Ordinance prior to construction. Lots that are to contain urban cottages shall be designated on the approved final plat.
- (g) Residential dwelling units, when located in the same building as commercial/office uses, shall be located on levels above street level at a density not to exceed one dwelling unit per 1,000 feet of gross floor area devoted to commercial/office uses.

#### **4-107**

#### **Lot and Building Requirements**

Except as may be modified pursuant to Section 4-112 below by the Board of Supervisors in approving the PRD, lot size, lot width, yards and setbacks, height limits, road frontage and access shall be the same as specified in this Ordinance for the conventional district for the same use or the conventional use most approximating the PRD use, except for former Federal property where PRD design flexibility is needed to acknowledge existing site buildings, streets or utility systems.

#### **4-108**

#### **Density**

The maximum base residential density in the PRD is 5.5 dwelling units per acre as defined in Section 2-308 of this Ordinance. An additional 0.5 dwelling units per net developable acre may be allowed (up to a maximum of 6.0 dwelling units per acre) for urban cottages and/or housing that qualifies as low and/or moderate under the definition of Affordable Housing (Section 15-300). Ten to twenty percent of the total units shall be affordable before the density bonus is available. Under no circumstances can the maximum allowable density exceed six. For commercial uses there shall be a maximum floor area ratio of 0.40 based on the area of the lot or parcel on which the structure is located.

#### **4-109**

#### **Open Space and Recreational Requirements**

##### **(a) Open Space**

Not less than 25 percent of the gross area of the PRD shall be in open space. This area shall exclude vehicular areas such as streets, roads, travelways and parking lots. Open space may encompass common and non-common open space, active and passive recreational areas, transitional yards, golf courses, buffer areas, utility easements, water bodies, wetlands and floodplains.

Calculations of the area qualifying for open space credit shall be as specified in Section 2-309 of this Ordinance.

##### **(b) Recreational Requirements**

When the PRD district is proposed with another overlay district on the same site, the required open space percentages of both districts shall be combined in calculating total open space credit.

Recreational areas shall be provided in all developments totaling more than 30 dwelling units in proportion to the rate of development at the rate of 500 square feet of active recreation space per unit for the first 200 units, thereafter, at the rate of 250 square feet of active recreation area per each additional unit. Active recreational space may include, but not be limited to, playfields with play structures, ballfields, multipurpose courts, swimming pools, tennis courts, and other similar facilities for active recreational opportunities. Lakes may also qualify for up to 30% of the required active recreation space provided that the use of any lake so qualifying is open to all homeowners of the PRD, contains specified active recreation features such as boating, swimming and ice skating, and is located to allow reasonably convenient access by residents of the majority of dwelling units. The specific location and timing of construction of active recreation space shall be included in the approved development plan. The location shall be such that active recreation space is located within a one-half mile of all dwellings. Development plans shall also include passive recreational space which shall, at a minimum, include a network of trail or other pedestrian ways to allow pedestrian access to recreation areas to allow safe and convenient pedestrian access to schools, public facilities and shopping.

4-110

**Ownership, Operation and Management of Common Open Space and Common Facilities**

The approved Development Plan shall include provisions for the ownership, operation and management of all common open space, common private facilities, including private streets, parking, trails and pathways and lakes. This requirement shall apply to both residential and commercial areas.

4-111

**Architectural Controls and Design Standards**

A Planned Residential District is intended to be of a scale, size and location which encourages a harmonious environment and promotes a sense of community and place at the pedestrian scale for the residents and visitors of the District, and to that end the Development Plan shall include plans for architectural controls and design standards which shall be approved by the Board of Supervisors as part of the rezoning and shall govern the development and construction of improvements on the subject property. These plans shall specify how the controls and standards will be approved for individual projects, how they will be enforced and how and by whom they may be amended.

4-112

**Modifications**

In order to better accomplish the purpose of the PRD as set forth in Section 4-101 above, the Board of Supervisors may, after review and recommendation by the Planning Commission, modify the regulations of this Ordinance and the Subdivision Ordinance upon a finding that the proposed modifications, although not literally in accord with applicable regulations, will satisfy public purposes of the ordinance and regulations to at least an equivalent degree. Modifications to regulations shall be requested and processed concurrent with the rezoning to the PRD pursuant to provisions listed in Section 4-113 below and Section 13-200 of this Ordinance. However, no modification shall be permitted which affect uses, density, floor area ratio or the minimum district size of the PRD. In addition, no modifications shall be made to Ordinance requirements regulating setbacks from adjacent conventional

districts, except for a former Federal property where PRD design flexibility is needed to acknowledge existing site buildings, streets or utility system locations.

**4-113**

**Rezoning to the Planned Residential Development District**

Rezoning to the Planned Residential shall be established by amending the Zoning Map of Fauquier County. The procedures for such an amendment shall be generally as set forth in Section 13-200 of this Ordinance except as provided below. In the event of conflict between the provisions of Section 13-200, the provisions below shall prevail.

(1) Pre-Application Conference

Applicants for rezoning to the PRD shall meet with Department of Community Development staff and other appropriate review agencies to review the proposed Development Plan prior to formal submittal. The purpose of such conferences shall be to assist in bringing the application and material submitted therewith as nearly as possible into conformity with these or other regulations applying in the case, and to define specific modifications to the applicant of these regulations which may be modifiable pursuant to Section 4-112 above and which seem justified by alternative means to achieve the public purpose for such regulation to at least an equivalent degree. The timing and number of pre-application conferences shall be as mutually agreed to by the applicant and staff.

(2) Development Plans - General

All rezonings to the PRD shall require a Development Plan approved by the Board of Supervisors. The approved Development Plan shall govern the development of the project and shall be binding to all current and future owners of the property. The Development Plan shall consist of a Concept Development Plan and other documents which may include, but not be limited to, proffer statements, dedications, contributions, and design standards.

(3) The Concept Development Plan

Applicants for rezoning to the PRD shall submit at time of application a proposed Concept Development Plan which shall include on one or more sheets not to exceed 24 by 36 inches in size at a scale to be approved by the Director:

- a) The location and functional relationship of all land uses including the types, density, and number of units for each bay and/or node of development.
- b) The location of roads, streets and travelways to provide vehicular traffic circulation, and proposed classification of streets and right-of-way requirements.
- c) The general location of proposed open space and the type of ownership proposed.
- d) The type and general location of all required active recreational

areas and the location of passive recreational areas to include trails, lakes and parks.

- e) The proposed phasing and sequence of the development plan for each phase, the residential density, approximate type and number of dwelling units (including potential urban cottages), the percentage of each bay to be occupied by structures and the types, floor area ratio and general design standards for all commercial uses.
  - f) Topographic information with maximum contour intervals of five (5) feet at a scale to be approved by the Director; soils information to include a map identifying soil types at a scale to be approved by the Director; and the limits of floodplain, if any, on the site.
  - g) The approximate limits of clearing and grading for each separate tract or development mode.
  - h) A plan showing a landscaping concept, including plans for landscaping, buffering and screening of the PRD from adjacent properties if there are use or visual conflicts.
- (4) Additional Submission Materials

The following additional materials shall be submitted at the time of the application. These materials are to be used by staff, the Planning Commission and the Board of Supervisors in reviewing and evaluating the application and may, along with the proposed Concept Development

Plan and basic application materials required by Section 13-200 of this ordinance, form a basis for identification and mitigation of impacts of the proposed development and for making modifications to the proposal to allow it to better satisfy the purpose and intent of the PRD and to meet all requirements of this Ordinance. The required additional materials are:

- a) A statement which confirms the ownership or control of the property, the nature of the applicant's interest in the same, and the place of record of the latest instrument in the chain of title for each parcel constituting the subject property.
- b) Specific requests for any modifications pursuant to Section 4-112 above. Such requests shall be specific as to all modifications that are being requested, why they are needed or desired and shall provide detailed justification as to how, if approved, the modifications will serve public purposes to at least an equivalent degree as the ordinances being modified.
- c) A traffic study to cover on-site traffic generation and distribution and off-site impacts.
- d) A statement indicating anticipated impacts of the development including the extent, approximate timing and estimated costs of proposed off-site infrastructure improvements such as roads, water, sanitary sewer and stormwater management facilities necessary to construct the development. This statement should identify those



facilities to be constructed by the applicant and explain how and when those to be constructed by others will be provided.

- e) A draft Proffer Statement to address mitigation of impacts, including but not limited to, transportation impacts, impacts on public facilities such as schools.

**4-114**

**General Standards for Approval of a Rezoning to the Planned Residential District**

In addition to the specific requirements of this section and the standards for rezoning for all development contained in Section 13-200, the Planning Commission in its review and recommendation and the Board in its approval shall find that the following general standards relating to planned development have been satisfied:

- (1) The development is located within an area designated in the Comprehensive Plan for planned residential development and is consistent with the phasing of the Comprehensive Plan.
- (2) The development is of such design that it will result in a development achieving the adopted goals of the Comprehensive plan and the stated purposes of the PRD more than would development under a conventional zoning district.
- (3) The development efficiency utilizes the available land and protects and preserves to the extent possible all scenic assets and natural features such as trees, streams and topographic features.
- (4) The development is designed to prevent substantial negative impact the use and value of existing surrounding development, and shall not hinder, deter or impede development of surrounding undeveloped properties in accordance with the adopted Comprehensive Plan.
- (5) The development shall be located in an area in which transportation, police and fire protections, other public facilities and utilities, including water and sewer, are or will be available and adequate for the uses proposed; provided, however, that the applicant may make provision for such facilities or utilities which are not presently available.

**4-115**

**Deviations from the Modifications to the Approved Concept Plan**

Development of the PRD shall be in substantial conformance with the Concept Development Plan. Minor deviations from the approved Concept Plan may be permitted when the Director determines that such are necessary due to the requirements of topography, drainage, structural safety or vehicular circulation and such deviations will not materially alter the character of the proposed Development Plan including the proposed development phasing and does not violate other binding components of the Plan including approved Proffers. In no case shall deviations include changes to the general location and types of land uses; an increase in the total number of dwelling units or the floor area for commercial uses; or a decrease in total area for open space and recreational amenities. Changes not in conformance with this section or not deemed minor deviations shall require amendments to the approved rezoning and Development Plan.

## **PART 2**

## **4-200 AFFORDABLE HOUSING OVERLAY DISTRICT (AH)**

### **4-201 Purpose and Intent**

The Affordable Housing Overlay District is established to promote a full range of housing choices and to encourage the construction of low and moderately priced housing units for purchase by eligible households as defined in Article 15 of this Ordinance. It is the specific intent of this district to allow for qualifying residential developments additional density, design flexibility and special processing procedures to serve as incentives for the construction of housing for low and moderate income households.

### **4-202 Applicability and Establishment of the Overlay District**

- A. The Affordable Housing District is hereby established as an overlay district, meaning that it is a district overlaid upon other zoning districts. This overlay district is established and applicable only to lots of record as of January 1, 1996, that are larger than 1 acre and 25 acres or less; that are zoned one of the following residential districts: R-1, R-2, R-4 or TH; and that are in Service Districts as designated in Fauquier County which as of January 1, 1996, are served by public sewer and central water. Service Districts acquiring public sewer and central water after January 1, 1996, may be added to the overlay district by amendments initiated pursuant to Section 13-202 of this ordinance. Land within this overlay district remains subject to the rules and regulations of the underlying zoning district unless otherwise stated below.
- B. The provisions of this ordinance are not applicable to parcels rezoned to a qualifying residential district or attaining qualifying size by subdivision or boundary adjustment after January 1, 1996.

### **4-203 Definitions**

Definitions of affordable housing, low and moderate income and other terms applicable to this ordinance are found in Article 15 of this ordinance under the heading "Affordable Housing".

### **4-204 Qualifying Developments**

In order to qualify as an affordable housing development within the overlay district the development must:

- A. Provide that not less than 20% nor more than 25% of the total dwelling units be constructed and made available exclusively for sale to individuals or households who meet the low and moderate income requirements as defined in Article 15. The required number of affordable dwelling units needed to qualify shall be based on the total number of units proposed including those additional units allowed as a density bonus in accordance with Section 2-205 below. When the number of dwelling units within the 20% and 25% limits stated above, is not an integer, the number shall be rounded up to the nearest integer.

- B. Be served by central water and sewer.

4-205

**Density**

Developments that qualify as affordable housing under provisions of this ordinance shall be entitled to a density bonus of up to 100% of the zoning density of the underlying zoning district, provided that the density not exceed the designated Comprehensive Plan density. The density bonus for townhouses, however, shall not exceed 50%. Notwithstanding the above, the maximum number of dwelling units allowed on any one single parcel shall not exceed 50.

4-206

**General Regulations**

The following additional regulations shall apply to qualifying affordable housing developments:

- A. Dwelling units shall be single family attached if the density exceeds six dwelling units per acre.
- B. Dwelling units designated as affordable housing units shall be built with an exterior appearance similar to other housing units and shall be interspersed with other, market-rate dwelling units in the development.
- C. Lots and units for the provision of affordable housing shall be specifically identified on all plans and plats submitted in accordance with Section 4-209 below and Appendix C.
- D. The construction and sale of such units shall be phased with the construction and sale of affordable units matching the construction and sale of market-rate units in accordance with the following:

Market-Rate Occupancy Permits Allowed	Required Occupancy Permits for Affordable Housing Units
up to 25% of total units	25%
up to 50% of total units	50%
up to 75% of total units	75%

- E. Prior to the recordation of plats for lots created using the additional allowable density provisions or other special provisions of this or other special provisions of this or other ordinance relating to affordable housing, the applicant for such lots must provide assurance to the County in a Developer's Agreement or other form acceptable to the County that dwellings to be constructed on the lots shall be sold only to buyers meeting the income eligibility requirements as defined in Article 15 of this Ordinance.
- F. Developments of ten or more dwelling units on lots of 10,000 square feet or less shall provide active recreation areas on the basis of 100 square feet per dwelling unit. Such areas may include, but not be limited to playfields with play structures, multipurpose courts and similar facilities.

4-207

**Lot and Building Regulations**

Except as may be modified pursuant to Section 4-208 below, lot size, lot widths, yards and setbacks, height limits, road frontage and access shall be the same as specified in this Ordinance for the effective zoning district that results from any density increase.

**4-208****Modifications**

The Board of Supervisors may, after review and recommendation by the Planning Commission, modify the regulations of the Zoning and Subdivision Ordinance relating to lot and building regulations upon application by the developer and upon a finding that the proposed modifications, although not literally in accord with the applicable regulations, will satisfy the public purposes of the ordinance and regulations.

**4-209****Procedures**

In order to encourage and to expedite affordable housing, subdivision applications for developments qualifying under provisions of this Ordinance may be given, upon request of an applicant and a determination of qualification by the Director of Community Development, special and priority processing as an Affordable Housing Development Plan. Such applications will be reviewed and approved by the Planning Commission in lieu of the Preliminary Plat for Subdivision required for other applications. Procedures are:

A. Qualifying Applications that do not Require Modification Approval:

1. Affordable Housing Development Plans shall be submitted to the Department of Community Development in accordance with the procedures in Section 9 of Appendix C (the Fauquier County Subdivision Ordinance) of this Ordinance. Staff and referral agency review shall be on an expedited basis and shall include one or more meetings as required of Community Development staff, referral agencies and the applicant prior to Planning Commission review and action.
2. The Planning Commission shall act on the proposed application no later than the next Planning Commission Meeting following its initial consideration unless the applicant requests additional time. The action of the Planning Commission shall be subject to Board of Supervisors review in accordance with Section 9-7 of the Subdivision Ordinance.
3. Final plats of subdivision shall be processed in accordance with Section 10 of Appendix C.

B. Applications Requiring Modifications

Applications requiring modifications in accordance with Section 4-206 above shall be processed in the same manner as described in Section 4-207(A) above, except that following the initial Planning Commission review, the application shall be referred to the Board of Supervisors with Planning Commission recommendation on the modifications requested. Final Planning Commission action will be deferred until the Board of Supervisors has acted on the modifications

**PART 3****4-300 HISTORIC AREA DISTRICT**

4-301

**Designation and Intent**

1. **Designation:** Districts may hereafter be created which are designated as Historic Area (HA) Districts within the definition of historic area found in Section 15.1-430b, Code of Virginia. Said districts may be created only by amendment of the Zoning Ordinance as provided in Part 2 of Article 13.
2. **Intent:** For the purpose of promoting the general welfare, education and recreational pleasure of the public through the perpetuation of those general areas or individual structures and premises which have been officially designated by the Board as having historic or architectural significance, historic districts are created. Regulations within such districts are intended to protect against destruction of or encroachment upon such areas structures and premises; to encourage uses which will lead to their continuance, conservation and improvement in an appropriate manner; and to assure that new structures and uses within such district will be in keeping with the character to be preserved and enhanced. It is further the intent of this Ordinance that the Board along with the Commission, shall seek and obtain the advice and assistance of the Architectural Review Board (ARB), created herein, as well as other organizations or individuals qualified by interest, training and experience in achieving the objectives set forth.

4-302

**Creation and Composition of Architectural Review Board:  
Appointment Term, Vacancies and Powers**

See Part 3 of Article 14.

4-303

**Historic District Boundaries Generally**

1. **Character:** The historic district boundaries shall in general be drawn so as to include only lands closely related to and bearing upon the character of the historic site or sites, thus providing a landscape unit and affording transitional regulations needed to control potentially adverse influences. Said boundary shall include land on both sides of a street or streets where desirable to accomplish the preservation objective. The concept of historic landmarks shall include groupings of structures which have significance relative to their patterns of development and/or interrelationship among such structures, while some of the structures might not possess significant merit when considered alone.
2. **Establishment of an Amendment to Historic District Boundaries and Regulations:** The ARB may propose to the Commission and/or the Board such amendments as deemed appropriate, including the establishment of historic districts and revision of existing historic districts. Upon receipt of said proposal, the Board may initiate such amendment pursuant to Article 13 of this Ordinance. The ARB shall prepare and submit a report to substantiate the proposed amendment. Such report shall establish and define the historic district boundaries as well as the historic and/or architectural significance of the buildings, structures or sties to be protected; special characteristics, qualities and/or

fabric to be preserved; and describe current planning, present trends, conditions and desirable public objectives for preservation.

3. **Guidelines:** Criteria for evaluating the merits of a district shall be based on architectural aesthetics as well as historical factors. Certain buildings or areas, although not associated with a historic personage or event may be valuable examples of the County's physical and cultural heritage. Structures of County significance shall be evaluated as well as those of State and National significance. In addition, such evaluation shall be based on the following specific matters:

A. **Architectural Style:**

The evaluation shall respect the qualities of each architectural style and shall judge a structure's merit on how well it exemplifies the distinguishing characteristics of said style. Consideration will be given to:

- (1) Significance of architectural design;
- (2) Scale and/or interrelationship of structures and/or environmental features.
- (3) Significant patterns of development;
- (4) Quality of workmanship;
- (5) Amount of surviving original fabric;
- (6) Original location and/or use;
- (7) Remaining outbuildings or dependencies;
- (8) Surrounding environment, gardens, landscaping, walks;
- (9) Overall aesthetic quality;
- (10) Original integrity of the structure and its details.

B. **Historic and/or Cultural Significance:**

Structures or spaces relating to one or more of the following criteria will be considered historically or culturally valuable:

- (1) Association with historic personage;
- (2) Association with historic events;
- (3) Work of leading architect or master craftsman;
- (4) Site or structure of cultural significance.

In addition sole or infrequent surviving building types and structures not historic in themselves but adding to the character of a historic area need to be looked at as potentially deserving preservation.

4. **Additional Required Information:** In addition to historical and architectural information, the aforementioned report shall include:
  - A. A description of existing structures, premises and uses likely to have an adverse effect on the desired character of the district, including those near and visually related to the district, with maps, photographs and other data indicating the reasons for such an effect.
  - B. An analysis of lands not occupied by structures, including lands near and visually related to the district. For public lands, ownership, use and location shall be indicated. For private lands, assessed valuation shall be added as well as existing zoning and planned use.
  - C. Recommendations concerning detailed regulations to be applied with the district, to supplement or modify general regulations set forth herein, may include permitted and prohibited principal and accessory uses and structures, minimum lot and yard requirements, maximum lot coverage by all buildings, maximum height of structures, off-street parking and loading requirements, control of signs and exterior illumination, control of integral facade changes to existing buildings where said controls and regulations are only for the express purpose of preventing changes which are architecturally incompatible with buildings, structures or sites to be preserved.
5. **Action by the Board of Supervisors:** The creation of a historic district shall include a declaration that the landmarks, buildings, structures, or sites to be preserved are in fact of historical and/or architectural significance requiring protection against destruction and encroachment; that the designation of individual structures and premises of substantial public interest and or structures, premises and uses likely to have an adverse effect shall be used as an administrative guide; and that all stated recommendations of the ARB supplementing or modifying general regulations set forth herein are adopted by reference and are to be applied to the district created.

4-304

#### **District Regulations**

Within the historic district, the following regulations shall apply:

1. **New Construction, Reconstruction and Exterior Alterations:** No buildings or structures, including signs, shall be erected, reconstructed, restored or substantially altered in exterior appearance within the historic district unless the same is approved by the Board, acting upon the advice of the ARB as being architecturally compatible with the historic, aesthetic, cultural and/or architectural aspects of the landmark. "Substantial alterations" shall be defined as any and all work done on landmarks, buildings or structures in a historic district other than the following:

Work done to prevent deterioration or to replace parts of a structure in order to correct any deterioration, decay or damage to any structure or on any part thereof, or to restore same as nearly as practical to its condition prior to such deterioration, decay or damage to any structure or on any part thereof. (Examples of work not constituting "substantial

alterations" include repainting in the existing color, replacing missing slates from a roof and replacing broken window panes. Examples of work constituting "substantial alterations" include adding or removing from a structure any openings, chimneys, shutters, columns, stairs, structural elements or appendages; changes in the size, shape or location of any structure on a site; changes in the color, texture or materials on the exterior of a structure). In any case in which there might be some question as to whether a project may constitute "substantial alterations," the Zoning Administrator will be contacted for an interpretation prior to commencement of work.

2. **Matters to be Considered in Passing upon the Appropriateness of the Construction, Reconstruction or Exterior Alteration of Buildings or Structures by the Board:** The Board shall not consider interior arrangements and shall not make any requirements except for the purpose of preventing development incongruous to the old and historic aspect of the surroundings.

The Board shall consider the following in passing upon the appropriateness of architectural features:

- A. Exterior architectural features including all signs;
  - B. General design, scale and arrangement;
  - C. Texture, material and color;
  - D. The relation of features 1, 2, and 3 above to similar features of buildings and structures in the immediate surroundings;
  - E. The extent to which the building or structure would be harmonious with or incongruous to the old and historic aspects of the surroundings. It is not the intent of this consideration to discourage contemporary architectural expression or to encourage the emulation of existing buildings or structures of historic or architectural interest in specific detail. Harmony or incompatibility should be evaluated in terms of the appropriateness of materials, scale, size, height, placement and use of the new building or structure in relationship to existing buildings and structures and to the setting thereof;
  - F. The extent to which: the building or structure will preserve or protect historic places and areas of historic interest; retention of the building or structure would promote the general welfare of the County by encouraging study of American History, architecture and design or by developing an understanding of the importance and value of the American Culture and heritage as well as by making the County a more attractive and desirable place in which to live.
3. **Demolition:** No building or structure within the district shall be demolished, removed or substantially altered in exterior architectural features or appearance, including the placement of signs, until a certificate of approval is issued by the Board, acting on the advice of the ARB.



4. **Matters to be Considered in Determining Whether or Not to Grant a Permit for Razing or Demolition:** The Board shall consider any or all of the following criteria in determining whether to grant a permit for razing or demolition:
  - A. Is the building or structure of such architectural or historic interest so that its removal would be detrimental to the public interest?
  - B. Is the building of such old, unusual or uncommon design, texture and/or material that it could only be reproduced with great difficulty and/or expense?
  - C. Would retention of the building or structure help preserve and protect a historic place or area of historic interest in the County?
  - D. Would retention of the building or structure promote the general welfare of the County by encouraging study of American history, architecture and design, or by developing an understanding of the importance and value of the American culture and heritage as well as by making the County a more attractive and desirable place in which to live?
5. **Offer for Sale:** The owner of a building or structure in a historic district shall, as a matter of right, be entitled to raze or demolish such landmark, building or structure provided that:
  - A. He has applied to the Board for a demolition permit;
  - B. The owner has for the period set forth in the time schedule contained hereinafter at a price reasonably related to its fair market value as determined by independent appraisal, make a bona fide offer to sell land pertaining thereto, to such person, firm, corporation, government or agency, or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the landmark, building or structure and the land pertaining thereto;
  - C. No bona fide contract binding upon all parties thereto, shall have been executed for the sale of any such building or structure, and the land pertaining thereto, prior to the expiration of the applicable period as set forth in the time scheduled contained hereinafter. Any appeal which may be taken to court from the decision of the Board shall not affect the right of the owner to make a bona fide offer to sell. Offers to sell as provided in "Subparagraph B shall be made within one year of the date of application to the Board.
6. **Time Schedule for Offers for Sale:** The time schedule for offers to sell shall be as follows:
  - A. Three (3) months when the offering price is less than twenty-five thousand dollars (\$25,000);

- B. Four (4) months when the offering price is twenty-five thousand dollars (\$25,000) or more, but less than forty thousand dollars (\$40,000);
  - C. Five (5) months when the offering price is forty thousand dollars (\$40,000) or more, but less than fifty-five thousand dollars (\$55,000);
  - D. Six (6) months when the offering price is fifty-five thousand dollars (\$55,000) or more, but less than seventy-five thousand dollars (\$75,000);
  - E. Seven (7) months when the offering price is seventy-five thousand dollars (\$75,000) or more, but less than ninety thousand dollars (\$90,000);
  - F. Twelve (12) months when the offering price is ninety thousand dollars (\$90,000) or more.
7. **Hazardous Buildings or Structures:** Nothing in this Article shall prevent the razing or demolition of any building or structure without consideration of the Board which is in such an unsafe condition that it would endanger life or property, and protection from such condition is provided for in the Building Code and/or other applicable legislation in Fauquier County. Such emergency razing or demolition of a building or structure in a historic district shall not be commenced without written approval of the Zoning Administrator verifying the conditions necessitating such action.
8. **Demolition by Neglect:** However, no officially designated historic landmark, building or structure within any such historic district shall be allowed to deteriorate due to neglect by the owner which would result in violation of Paragraphs 1 and/or 4 above. Such action shall be termed "demolition by neglect" and shall include any one or more of the following:
- A. Deterioration of the exterior of a building to the extent that it creates or permits a hazardous or unsafe condition;
  - B. Deterioration of exterior walls or other vertical supports horizontal members, roofs, chimneys, exterior wall elements such as siding, wooden walls, brick, plaster or mortar to the extent that it adversely affects the character of the historic district or could reasonably lead to irreversible damage to the structure;
  - C. Action by the County or State authority relative to the safety or physical condition of any building.

In the event that the Zoning Administrator determines that a structure in a historic district is being "demolished by neglect," he shall so notify the owner of this conclusion, stating the reasons therefore, and shall give the owner 15 days from the date of the notice in which to commence work rectifying the specifics provided in the notice, or to initiate proceedings in accordance with paragraph 2 or 4. If appropriate action is not taken in

this time the Zoning Administrator will initiate appropriate legal action as provided herein.

9. **Moving or Relocation:** No officially designated historic landmark, building or structure within the district shall be removed or relocated where such moving is detrimental to the public interest or where said relocation would be obviously incongruous to the historic aspects of the structure and/or the historic district unless the same is approved by the Board, acting upon the advice of the ARB.
10. **Matters to be Considered in Determining the Appropriateness of Moving or Relocating a Landmark Building or Structure within a Historic District:**
  - A. Would the proposed relocation have a detrimental effect on the structural soundness of the landmark building or structure?
  - B. Would the proposed relocation have a detrimental effect on the historic aspects of other landmarks in the district?
  - C. Would the proposed relocation provide new surroundings that would be harmonious with or incongruous to the historical and architectural aspects of the landmark, structure or building?
  - D. Would the proposed relocation help preserve and protect a physical element of historic value in the County?
  - E. Would the proposed relocation promote the general welfare of the County by encouraging study of American history, architecture and design, or by developing an understanding of the importance and value of the American culture and heritage as well as by making the County a more attractive and desirable place in which to live?
11. **Uses Permitted:** Within the Historic District, all uses shall be permitted pursuant to the official zoning map. General regulations shall be the same as provided within the respective underlying zoning districts except where such regulations are modified or amended as set forth in this Article.

No new structure (or change in the present use of an existing structure) shall be permitted where the operational characteristics of the use would be obviously incongruous with the historic character of the district as established and specifically recorded in accord with the provisions of Section 4-303 above, where such decision is made by the Board after consultation with the ARB and the Commission.
12. **Lot Regulations:** Lots or portions of lots existing in historic districts may be combined, but no existing lot or combination of lots, parcels or portions thereof, in single ownership at the time of district creation, shall be reduced in width, depth or area without the approval of the Board, acting on the advice of the ARB.
13. **Height Regulations:** Height regulations shall be in accord with those governing the permitted use except where such heights would be

obviously incongruous to the historic district or otherwise in conflict with the recommendation adopted pursuant to Paragraph 4-303.5.

14. **Off-Street Parking:** Off-street parking regulations shall be in accord with those governing the permitted use except that no required off-street parking or loading space shall be located in any required front yard. It is the intent of these regulations to permit off-street parking where on-site parking would have an adverse effect on the appearance of the property or the district in general. It is also intended to encourage provisions of such off-street parking in grouped facilities in interior parking lots, courts, anonymous structures or at other appropriate locations which will be convenient to pedestrians and vehicular traffic and generally promote public safety.
15. **Signs, Exterior Illuminations** Within the historic district, no signs shall be permitted except for advertising or informing the public of service, business, occupation or profession conducted on, in or about the premises. In addition, no sign allowed by this Ordinance shall be permitted if the Board, acting on the advice of the ARB, finds such sign to be architecturally incompatible with the historic and/or architectural character of the landmark.
16. **Exceptions:** Where the strict interpretation of the purpose of these proceedings or subsequently adopted regulations or standards contradicts existing building, sanitary or other codes, the ARB shall make recommendations for reasonable exemptive relief after consultation with qualified technical authorities or with any appeal board now or hereafter established by code. In other cases of conflict between this and other regulations the more strict between the two shall apply.

#### 4-305

#### **Administration**

1. **County Zoning Administrator:** The County Zoning Administrator shall not authorize a permit for any erection, reconstruction, integral exterior facade change, demolition or razing of a building or structure in the Historic District until the same has been approved by the Board, following the procedures set forth hereafter.
2. Upon receipt of an application for each permit in the historic district, the Zoning Administrator shall act in accordance with the existing procedures of his office except if those procedures are necessarily modified by the following requirements:
  - A. He shall forward to the ARAB a copy of the application for such a permit, together with a copy of the site plan and the building plans and specifications filed by the applicant.
  - B. He shall maintain in his office a record of all such applications and of his handling and final disposition of the same.
  - C. He shall require applicants to submit a sufficient number of additional copies of materials required for compliance with the foregoing.

3. **Materials to be Submitted for Review:** By general rule, or by specific request in a particular case, the County Community Development and Zoning Office and the ARB may require submission of any or all of the following in connection with the application: architectural plans, site plans, landscaping plans, design for proposed signs with appropriate detail as to character, proposed exterior lighting arrangements, elevations of all portions of structure with important relationships to public view (with indications as to visual construction materials, design of doors and windows, colors and relationships to adjoining structures), and such other exhibits and reports as are necessary for these determinations. Requests shall be accepted only from a record owner of the land involved in such proposal.
4. **Fees:** The Board shall establish by resolution from time to time a schedule of fees for the examination and approval or disapproval of proposals submitted in accordance with this Article.
5. **Other Approvals Required:** In any case in which an applicant's proposal also requires the approval of the BZA, final action by the BZA shall precede final action by the ARB. The BZA, may, however, table a proposal to request the comments of the ARB. Final action by the ARB shall be taken prior to consideration by the Commission of proposals requiring site plan approval. Preliminary subdivision plats shall be reviewed and commented upon by the ARB prior to final action by the Commission. The ARB's comments shall be forwarded to the Commission and, in turn, to the Board.
6. **Report of the Architectural Review Board:** If the ARB, on the basis of the review of information received from the applicant, decides to counsel against the granting of a permit, it shall indicate to the applicant the changes in plans and specifications, if any which, in the opinion of the ARB, would protect and/or preserve the historical aspects of the landmark, building, structure or district. If the applicant determines that he will make the suggested changes, he shall so advise the ARB which shall counsel the Board accordingly.

The ARB shall submit to the Board in writing and within ninety (90) days after submission of the application, its counsel concerning the appropriateness of authorizing a permit for the erection, reconstruction, significant exterior alteration, restoration, razing or demolition, or relocation of all or part of any building within the historic district.

7. **Actions of the Board of Supervisors Concerning Applications for Permits:** Upon receipt of the written counsel from the ARB, the Board shall consider the question of authorizing the Zoning Administrator to grant or deny a permit for the action specified in the application. The applicant shall be notified by the Zoning Administrator of time and place of the meeting at which his application will be considered and shall have right to attend and be heard as to his reasons for filing same. All other shall also have the right to attend the hearing. In determining whether to authorize a permit, the Board shall consider those factors presented in the report of the ARB, and shall be guided by the general standards of "Architectural Compatibility."

If the Board approves an application, it shall authorize the Zoning Administrator to issue a permit for the work so specified in said application.

If the Board disapproves, it shall be so in writing and copies shall be given to the applicant and the Zoning Administrator. The disapproval shall indicate what changes in the plans and specifications would enable the proposal to meet conditions for protecting and preserving the historical character of the district.

In the case of disapproval, the application shall not be resubmitted for consideration until twelve (12) months have elapsed from the date of disapproval unless the indicated changes in plans and specifications required to meet the conditions for protecting the district have been incorporated into the reapplication.

Upon receipt of the Board's written disapproval, the Zoning Administrator shall disapprove the application for the required permit and so advise the applicant. The applicant may appeal the disapproval as provided by law and herein below.

The Zoning Administrator shall have the power to institute any proceedings at law or in equity necessary for the enforcement of this Article in the same manner as in the enforcement of the other sections of this Ordinance as presently enacted and as the same may be amended.

## **PART 4**

### **4-400**

### **FLOODPLAIN DISTRICT (FP)**

#### **4-401**

#### **Purpose and Intent**

The Floodplain District (FP) is created for the purpose of protecting the public health, safety and general welfare with respect to this most sensitive area which is subject to flooding and is environmentally important as a resource. It is also vital to maintenance of surface and groundwater quality and quantity. Regulations within the district are intended to protect the area as a resource and to ensure that uses will not significantly increase flooding potential or unnecessarily expose persons to the hazards of flooding.

#### **4-402**

#### **District Boundaries**

As delineated in accordance with the definitions of floodplain in Article 15 (Definitions) of this Ordinance.

#### **4-403**

#### **District Boundary Changes**

The delineation of the boundary may be revised by the Board in the same manner and by the same procedures set forth in Article 13 where natural or manmade changes have occurred and/or more detailed studies conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agencies or individual document and need for such changes. However, prior to any such change which necessitates a change to the floodplain delineation by the Flood Insurance Study, approval must be obtained from the Federal Insurance Administration. See also Section 4-406.

**4-404**

**Interpretation of District Boundaries**

The Zoning Administrator shall make the decision as to the exact location of the floodplain using the best data available at the time.

**4-405**

**Permitted Uses**

In the Floodplain District, the following uses and activities are permitted provided they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance and provided they do not require structures, fill or storage of material and equipment. (Note: Except as provided in Section 4-406, floodplain boundaries shall not be altered by filling or the use of dikes or other engineering practices).

1. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting.
2. Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking and horseback riding trails, wildlife and nature preserves game farms, fish hatcheries, trap and skeet game ranges, and hunting and fishing areas.
3. Accessory residential uses such as yard areas, gardens, play areas and pervious loading areas.
4. Accessory industrial and commercial uses such as yard areas pervious parking and loading areas pervious airport landing strips, etc.
5. Type II and III private streets serving three or fewer lots. The maximum of three lots shall be cumulative for any private street.

**4-406**

**Special Exception Uses**

The following uses and activities may be permitted by special exception provided they are in compliance with the provisions of the underlying district, satisfy the applicable standards contained in Article 5 and are not prohibited by this or any other ordinance. (Note: All uses, activities and developments shall be undertaken in strict compliance with the flood-proofing provisions contained in this and all other applicable codes and ordinances including, but not limited to, the Fauquier County Subdivision and Site Development Plan Ordinances and the Virginia Uniform Statewide Building Code).

1. Structures, except for dwelling units, accessory to the use and activities in Section 4-405 above.
2. Utilities and public facilities and improvements such as railroads, bridges, transmission lines, pipelines, water and sewage treatment plants, and other similar or related uses.
3. All public streets as defined in Article 15 (Definitions) and all Type I private streets. Type II and Type III private streets which serve more than three lots cumulative.

4. Water-related uses and activities such as marinas, docks, wharves, piers, etc.
5. Extraction of sand, gravel, and other materials.
6. Temporary uses such as circuses, carnivals, and similar activities.
7. Storage of material and equipment.
8. Other similar uses and activities provided they cause no increase in flood heights and/or velocities.

#### **4-407**

##### **Use Limitations**

1. The placement of any dwelling unit in a floodplain is prohibited.
2. The placement of any structure in a floodway is prohibited.
3. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch or any other drainage facility or system which would increase flood heights and/or velocities.
4. All streets located in floodplains including those permitted in Section 4-405.5., shall meet all applicable state and federal requirements.
5. Prior to any proposed relocation of any channels or floodways, of any watercourse, stream, etc., approval shall be obtained from the State Water Control Board, the Virginia Marine Resources Commission, and from the U. S. Army Corps of Engineers, if required. Further notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notification shall be forwarded to the Division of Soil and Water Conservation (Department of Conservation and Recreation), and the Federal Insurance Administration.

#### **4-408**

##### **Existing Structures in a Floodway**

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

1. Existing structures and/or uses located in the Floodplain District shall not be expanded or enlarged (unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements).
2. Any modification, alteration, repair, reconstruction or improvements of any kind to a structure and/or use regardless of its location in a floodplain to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with the provision of the Virginia Uniform Statewide Building Code.



3. Uses or adjuncts thereof which are or become nuisances shall not be permitted to continue.

**4-409                      Maximum Density**

The procedure for computing maximum allowable density in the FP District is set forth in Section 2-308.

**4-410                      Records of Construction**

Records of lowest floor elevations and flood-proofing levels shall be provided by the developer or landowner to the County Building Official in accordance with such standards and procedures as he may require. Such records shall show whether such structures contain a basement and shall be maintained by the Building Official. The Zoning Permit shall show the elevation of the one hundred (100) year flood.

**PART 5                                      4-500                      AIRPORT AREA DISTRICT (AP)**

**4-501                      Purpose and Intent**

The Airport Safety and Impact Overlay District (APSID) is intended to acknowledge the unique safety regulation requirements of airports on airport land and adjacent land areas and unique impacts, such as noise, on adjacent land. This overlay district is intended, in accordance with the provisions of Section 15.1491.02 of the Code of Virginia, to provide for the regulation of the height of structures and natural growth for the purpose of protecting the safety of air navigation and the public investment in air navigation facilities. It is also intended to provide restrictions on uses which may impact aircraft safety by interference with aircraft electronics, pilot visibility and other aspects of safety of flight. Finally, it is the intent of this overlay district to regulate the location in the immediate vicinity of an airport of uses that are noise sensitive.

**4-502                      Applicability of the Overlay District**

The overlay district shall apply to licensed, public-use airports located in Fauquier County and to land areas in Fauquier County adjacent to a licensed, public-use airport in adjacent jurisdictions. Initial applicability will, therefore, be to the Warrenton-Fauquier Airport in Midland and to certain land in Fauquier County adjacent to the Culpeper Regional Airport.

**4-503                      Overlay District Established**

The Airport Safety and Impact Overlay District, is hereby established as an overlay district, meaning that it is a district overlaid upon other zoning districts. Land within an Airport Safety and Impact Overlay District remains subject to the rules and regulations of the underlying zoning district, but subject to the additional regulations and restrictions of the overlay district as set forth above.

**4-504                      District Boundaries Defined**

Boundaries of the Airport Safety and Impact Overlay District shall be based on airport safety zones and airport noise impact areas. The safety zones are the approach, transitional, horizontal and conical zones. The airport noise impact areas

are based on established noise contours defined in terms of Ldn values. Definitions relating to these terms are in Article 15 of this ordinance under the subject Airport Safety and Impact Definitions.

(A) Safety Zones

All of the areas and airspace of Fauquier County lying equal to and above the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to the Warrenton-Fauquier Airport and Culpeper Regional Airport and to future licensed, public-use airports in Fauquier County are established as overlay zones and subject to these ordinance provisions. An area located in more than one of the zones is considered to be only in the zone with the most restrictive height limitation.

The source and specific geometric design standards for these zones are determined by the Federal Aviation Administration (FAA) and contained in Part 77 of Title 14 of the Code of Federal Regulations. Definitions of these zones (along with definitions associated with other terms in this ordinance) are found in Article 15, Definitions. Specific map delineation for the airport and areas subject to this overlay district are in the following:

1) Warrenton-Fauquier Airport:

Airport Master Plan Warrenton-Fauquier Airport adopted July 6, 1993.

2) Culpeper Regional Airport:

Culpeper Regional Airport Airspace Protection Zone (Part 77, Surface, dated May 15, 1995).

(B) Noise Impact Areas

The Airport Safety and Impact Overlay District boundaries shall be based on the 60 and 65 Ldn noise contours and an area that extends one (1) mile beyond the Ldn 60 contours.

The source and specific delineation of the Ldn 60 and 65 noise contours are based on:

Warrenton-Fauquier Airport: Airport Master Plan

4-505

**Airport Safety Zone Height Limitations and Use Restrictions**

(A) Airport Safety Zone Height Restrictions

Except as otherwise provided for in this ordinance, no structure shall be erected, altered or maintained and no vegetation shall be allowed to grow to a height so as to penetrate any referenced surface, also known as the floor, of the approach, conical, horizontal or transitional zone. The height restrictions, or floors, for the individual zones shall be those delineated in the Warrenton-Fauquier Airport Master Plan and the Culpeper Regional Airport Airspace Protection Zone (Part 77, Surface) and as these floors may be subsequently amended. In addition, there shall be no construction within twenty thousand

(20,000) feet of the runway of an applicable airport of towers, mono-poles or other similar tall structures, including silos, that might violate the zones of this ordinance without review and approval by the Federal Aviation Administration.

- (B) Notwithstanding any other provisions of this ordinance, and within the area below the horizontal limits of any zone established by the ordinance, no use shall be made of any land or water in such a manner as to:
- 1) Create electrical interference with navigational signals or radio communications between the airport and aircraft;
  - 2) Diminish the ability of pilots to distinguish between airport lights and other lights;
  - 3) Result in glare in the eyes of pilots using the airport;
  - 4) Impair visibility in the vicinity of the airport;
  - 5) Create the potential for bird strikes; or
  - 6) Otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft in the vicinity of and intending to use the airport.

#### **4-506**

#### **Airport Noise Impact Areas Use Limitations**

In addition to the use limitations and regulations for the zoning district over which an Airport Safety and Impact Overlay District is located and the limitation and use restriction based on airport safety zones as described above, the following use limitations shall apply:

- (A) Within noise contour areas of Ldn 65 or higher, new residential dwellings and additions to existing dwellings shall not be permitted. However, new dwelling units and additions to existing dwelling units may be permitted, provided that:
- 1) The lot was recorded or had record plat approval prior to the effective date of adoption of this ordinance; and
  - 2) The new dwelling unit or addition incorporates acoustical treatment to ensure that interior aircraft noise levels within living areas (not including garages, sunrooms or porches) will not exceed a sound level of 45 db(A).
- (B) In areas between the Ldn 65 and 60 aircraft noise contours new residential dwelling construction shall be allowed subject to the following requirements:
- 1) Full Disclosure Statement

Prospective buyers of new lots and new homes shall be notified in writing by applicants seeking to create new lots or build new residences that the lot/home is located within an area that will be impacted by aircraft overflights and aircraft noise. Such notification shall be accomplished by inclusion of this information in all sales contracts, brochures and promotional documents, including any "Illustrative Site Plans" on display within any sales related office, as well as in Homeowners Association Documents, and by inclusion on all subdivisions and site plans, and within all Deeds of Conveyance.

2) Acoustical Treatment

The new dwelling unit shall incorporate acoustical treatment to insure that interior aircraft noise levels within living areas (not including garages, sunrooms or porches) will not exceed a sound level of 45 db(A).

3) Avigation Easements

Prior to approval of a Record Plat creating new residential lots, or for existing lots of record, prior to the issuance of a zoning permit, the owner(s) of such parcel or parcels shall dedicate an avigation easement to the airport owner, indicating the right of flights to pass over the property as a means of securing the long-term economic viability of the airport.

- (C) In areas outside of, but within one (1) mile of the Ldn 60 aircraft noise contour, new residential construction shall be allowed subject to the requirement of the Full Disclosure Statement described above.

**4-507**

**Nonconforming Uses**

A nonconforming use is defined as any pre-existing or object of natural growth that is existing at the time this ordinance comes into effect and which is inconsistent with the provisions of this ordinance or any amendments thereto. Except as provided below, the regulations prescribed by this ordinance shall not require the removal, lowering, or other change or alteration of any structure or vegetation not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained in this ordinance shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this ordinance, and has been diligently prosecuted. Also, the general provisions of Article 10 of the Zoning Ordinance relating to nonconforming uses are applicable to this ordinance as well.

Notwithstanding the above paragraph, the owner of any existing nonconforming structure or vegetation is hereby required to permit the installation, operation, and maintenance thereon of whatever markers and lights might be deemed necessary by the FAA, the Virginia Department of Aviation, or the Zoning Administrator to indicate to operators of aircraft the presence of an airport obstruction. These markers and lights shall be installed, operated and maintained at the expense of airport owners and not the owner of the nonconforming structure in question.

**4-508                    Permits, Variance and Appeals**

The provisions of Article 13 of the Zoning Ordinance shall apply.

**PART 6                                    PLANNED COMMERCIAL INDUSTRIAL DEVELOPMENT  
DISTRICT (PCID)**

**4-601                    Purpose and Intent**

The Planned Commercial Industrial Development (PCID) District is intended to permit development in accordance with the Comprehensive Plan of a mixed-use limited commercial and light industrial park which is under one ownership or control. Planned Commercial Industrial Developments shall be planned and developed as a single entity, subject to an approved Development Plan. The PCID shall be designed with a park-like atmosphere to complement surrounding land uses by means of appropriate siting of buildings and service areas, attractive architecture, and effective landscape buffering which protect property values in surrounding neighborhoods. PCID Districts shall be located within Service Districts and in locations designated for such use in the Comprehensive Plan.

It is intended that these regulations provide flexibility in development by providing for a mix of compatible uses with flexibility in internal relationships of design elements. The PCID is not intended for more intensive commercial and industrial uses such as shopping malls, large-scale retail establishments and the more impactive and heavy industrial uses. Such uses are more appropriate for the existing C-2, C-3 and I-2 zoning districts.

**4-602                    Size and Location**

The minimum area required for the establishment of a PCID district shall be 50 acres. Additional areas may be added to an established PCID if they adjoin and form a logical addition to the approved development of an established PCID. The procedure for an addition shall be the same as if an original application were filed and all requirements shall apply except the minimum acreage requirement above. The minimum acreage for such additions shall be five acres.

PCID districts shall be located in Service Districts as designated in the Comprehensive Plan. PCID districts shall have direct access to a major arterial or collector road. The PCID shall also be located within an area in the Service District that the Comprehensive Plan designates for planned commercial and industrial development and which has sufficient infrastructure to support the proposed development, including roads, public facilities and utilities, or where sufficient infrastructure is planned and expected to be in place. In cases where necessary infrastructure is not yet available, the applicant for a PCID shall make provisions for the necessary infrastructure in the development plan.

**4-603                    Principal Uses Permitted**

The following principal uses shall be permitted, subject to designations of areas and sites for such uses in the approved Development Plan and subject to the use limitations set forth in Section 4-606 below:

Adult day care center  
Agriculture, horticulture, forestry or fishery

Auction house  
 Bakery, commercial  
 Bank or financial institution  
 Barber/beauty shop  
 Business service and supply service establishments  
 Commuter parking lot  
 Conference or training center  
 Convenience stores  
 Contractors offices and shops  
 Continuing care facilities  
 Construction office  
 Day care, child care, or nursery  
 Distribution facility  
 Farmers market  
 Health and fitness center/spa  
 Laundry, dry cleaners, laundromat  
 Manufacture, processing, fabrication and/or assembly of products such as,  
     but not limited to scientific and precision instruments, photographic  
     equipment, communication equipment, computation equipment,  
     drugs, medicines, pharmaceuticals, household appliances, toys,  
     sporting and athletic goods, die-cut paperboard and cardboard, glass  
     products made of purchased glass, electric lighting and wiring  
     equipment, service industry machines, lithographic and printing  
     processes, industrial controls, radio and TV receiving sets, watches  
     and clocks, bags and containers, sanitary paper products, optical  
     goods, electrical machinery, wireless communications  
 Medical care facility, major or minor  
 Meeting halls for social, fraternal, civic, public and similar organizations  
 Motor vehicle service and repair, light  
 Offices, administrative, business and professional  
 Place of worship  
 Plant nursery/greenhouse  
 Postal Service, overnight courier collection and overnight mail distribution  
     facility  
 Printing service  
 Private clubs  
 Public and quasi-public uses, including but not limited to post office, library,  
     parks and recreation facilities, governmental office and service  
     facilities, public safety facilities (fire and rescue, police)  
 Radio and television recording/broadcasting studio  
 Recycling drop off collection center, small  
 Repair service establishments  
 Research, experimental testing, or development activities  
 Restaurants  
 Service Stations  
 Swimming/tennis/racquet facility  
 Technical schools, indoor and outdoor  
 Theater, indoor  
 Warehousing facilities  
 Water and sewer pumping stations  
 Wholesale trade establishments

The following secondary uses shall be permitted only in a PCID which contains one or more principal use; such secondary uses shall be supportive and complementary to (i.e. which serves the users of) existing permitted principal uses. Areas and sites for such uses shall be shown in the approved Development Plan and subject to the use limitations set forth in Section 4-606 below:

- (a) Parks, playgrounds, community centers and non-commercial recreational and cultural facilities which are not commercial, public or quasi-public.
- (b) Electric, gas, water, sewer and communication facilities, including transformers, pipes, meters, pump stations and related facilities for distribution of local services.
- (c) Temporary buildings, the uses of which are incidental to construction operations during development being conducted on the same or adjoining tract or section and which shall be removed upon completion or abandonment of such construction.
- (d) Retail sales of products manufactured, assembled or distributed by a Principal User when in a Principal Use building and under ten percent (10%) of gross floor area.
- (e) The following may be included as Secondary Uses when within a Principal Use Building: fast food or take out restaurant, barber or beauty shop, gymnasium, adult or child care facility, dry cleaners (pick up and drop off services only), financial or ATM facilities and mailing services.

#### **4-605**

##### **Special Exception Uses**

The following uses may be approved by the Board of Supervisors pursuant to the requirements of Article V:

- (a) Any use listed in Sections 603 and 604 above which was not specifically designated in the approved Development Plan establishing the PCID.
- (b) Hotel/motel
- (c) Hospital
- (d) Motor freight terminals
- (e) Retail sales with floor area less than 75,000 square feet
- (f) Shopping centers under 200,000 square feet
- (g) Commercial golf course facility
- (h) Wastewater treatment facilities; water treatment facilities

#### **4-606**

##### **Use Limitations**

Unless otherwise specified in this Article or modified pursuant to Section 4-612 below, all uses shall conform to the general and specific use limitations and performance standards of Article 6 (Accessory Uses, Accessory Service Uses and

Home Occupations); Article 7 (Off-Street Parking and Loading, Private Streets); Article 8 (Signs); and Article 9 (Performance Standards) of this Ordinance. Specific use limitations relating to the PCID are:

- (a) Access. No individual lots shall have direct access to an arterial or major collector road.
- (b) Utility Location. All utility distribution lines shall be placed underground.
- (c) Site Planning. Within any PCID district, the site plan shall provide for efficient groupings of structures, uses and facilities, convenient and safe pedestrian access and for smooth and convenient vehicular traffic flow within the district and at points of entry and exit.
- (d) The maximum land area used for retail uses shall not exceed 25 percent of the total permitted Floor Area Ratio (FAR) of the PCID.

**4-607**

**Lot and Building Requirements**

Except as specified below and in Section 4-606, Use Limitations, above and as may be modified pursuant to Section 4-612 below by the Board of Supervisors in approving the PCID, lot size, lot width, yards and setbacks, height limits, road frontage and access shall be the same as specified in this ordinance for the conventional district for the same use or the conventional use most approximating the PCID use, except for a former Federal property where PCID design flexibility is needed to acknowledge existing site buildings, streets or utility system locations.

- (a) Location Adjacent to Roads

No building, outdoor storage, areas for the collection of refuse, or loading areas shall be located any closer than 100 feet from the right-of-way of any arterial road, 75 feet from the right-of-way of a major collector and 35 feet from any private access easement or prescriptive easement.

- (b) Location Adjacent to Agricultural and Residential Districts

No building, outdoor storage, areas for the collection of refuse or loading areas shall be permitted closer than 150 feet to any agricultural district, or to any existing or planned residential district, except for a former Federal property where PCID design flexibility is needed to acknowledge existing site buildings, streets or utility system locations.

Outdoor storage, areas for the collection of refuse and loading space located between buildings and such agricultural districts, or existing or planned residential districts where such uses are visible from the said agricultural or residential areas shall be effectively screened. To accomplish this screening a landscaping and screening plan must be submitted and approved as part of site plan review and approval.

- (c) Building Height

The height of buildings shall not exceed two stories, except on former Federal properties, which can have a maximum of four stories.

**4-608**

**Floor Area Ratio**



The maximum floor area ratio permitted shall be a floor area ratio (FAR) of 25 percent of the gross area of the PCID, exclusive of floodplain.

**4-609      Open Space, Landscaping and Buffering**

(a)      Open Space-General

The development plan for the PCID district shall provide for a minimum of 10% of the total site as open space. Open space shall not include vehicular areas such as streets, roads, travelways and parking lots. Open space may encompass public and private open space, buffer areas, utility easements, wetlands and floodplains. To ensure park-like character within such districts, and to minimize the impact upon agricultural and residential areas, open space and landscaping shall be located and organized in such a way as to maximize the visual effect of green spaces as seen from public ways and adjoining agricultural and residential areas. Commercial golf courses acreage can be counted as Open Space.

(b)      Screening and Buffering

Landscaping, buffering and screening shall be used to screen outdoor storage, areas for collection of refuse, loading areas and parking from streets, agricultural and residential uses. Where the PCID district is immediately adjacent to an existing or planned residential use, the development plan shall include a landscaping and buffering plan to minimize visual and noise impacts to residential uses from all uses on the PCID site.

**4-610      Ownership, Operation and Maintenance of Common Open Space and Common Facilities**

The approved Development Plan shall include provisions for the ownership, operation and management of all common open space, common private facilities, including private streets, parking, trails and pathways and lakes and commercial areas.

**4-611      Architectural Controls and Design Standards**

A PCID district is intended to be of a scale, size and location which encourages a harmonious environment and which embodies design features to maximize the park-like nature of the development and to minimize negative impacts on adjacent agricultural and residential properties. To this end, any application for rezoning to the PCID district shall include specific plans for architectural controls and design standards which shall be approved by the Board of Supervisors as part of the rezoning and shall govern the development and construction of improvements on the subject property. These plans shall specify how the controls and standards will be approved for individual projects, how they will be enforced and how and by whom they may be amended.

**4-612      Modifications**

In order to better accomplish the purposes of the PCID district as set forth in Section 4-601 the Board of Supervisors may, after review and recommendation by the Planning Commission, modify the regulations of this Ordinance and the Subdivision

Ordinance upon a finding that the proposed modifications, although not literally in accord with applicable regulations, will satisfy public purposes of the ordinance and regulations to at least an equivalent degree. Modifications to regulations shall be requested and processed concurrent with the rezoning to the PCID district pursuant to provisions listed in Section 4-613 below and Section 13-200 of this Ordinance. However, no modifications shall be permitted which affect uses, use limitations as listed in Section 4-606 of this ordinance, floor area ratio of the PCID district, and requirements regulating setbacks from off-site roads and uses, except for a former Federal property where PCID design flexibility is needed to acknowledge existing site buildings, streets or utility system locations.

#### **4-613**

#### **Rezoning to the Planned Commercial and Industrial Development District**

Rezoning to the PCID district shall be established by amending the Zoning Map of Fauquier County. The procedures for such an amendment shall be generally as set forth in Section 13-200 of this Ordinance except as provided below. In the event of conflict between the provisions of Section 13-200, the provisions below shall prevail.

##### **1) Pre-Application Conference**

Applicants for rezoning to the PCID shall meet with Department of Community Development staff and other appropriate review agencies to review the proposed Development Plan prior to formal submittal. The purpose of such conferences shall be to assist in bringing the application and material submitted therewith as nearly as possible into conformity with these or other regulations applying in the case. The conference shall also identify specific modifications to the regulations which may be requested pursuant to Section 4-612 above and which seem justified by alternative means to achieve the public purpose for such regulations to at least an equivalent degree. The timing and number of pre-application conferences shall be as mutually agreed to by the applicant and staff.

##### **2) Development Plans - General**

All rezoning to the PCID shall require a Development Plan approved by the Board of Supervisors. The approved Development Plan shall govern the development of the project and shall be binding on all current and future owners of the property. The Development Plan shall consist of a Concept Development Plan and other documents which may include, but not be limited to, proffer statements, dedications, contributions, and design standards

##### **3) The Concept Development Plan**

Applicant for rezoning to the PCID shall submit at time of application a proposed Concept Development Plan which shall include on one or more plats not exceeding 24 by 36 inches in size at a scale to be approved by the Director:

- a) The location and functional relationships of all land uses including the types, number of units and floor area ratio for each bay or mode of development.

- b) The location of roads, streets and travelways to provide vehicular traffic circulation, the proposed classification of streets and right-of-way requirements.
  - c) The general location of proposed open space and the type of ownership proposed.
  - d) The proposed phasing and sequence of the development plan for each phase and the projected start and completion dates, the density, and approximate type and number of structures, the percentage of each tract to be occupied by structures and the floor area ratio and general design standards for all uses.
  - e) Topographic information with maximum contour intervals of five (5) feet at a scale to be approved by the Director, soils information to include a map identifying soil types at a scale to be approved by the Director, and the limits of floodplain, if any, on the site.
  - f) The approximate limits of clearing and grading for each separate tract of development.
  - g) A conceptual landscaping and buffering plan.
- 4) Additional Submission Materials

The following additional materials shall be submitted at the time of the application. These materials are to be used by staff, the Planning Commission and the Board of Supervisors in reviewing and evaluating the application and may, along with the proposed Concept Development Plan and basic application materials required by Section 13-200 of this ordinance, form a basis for identification and mitigation of impacts of the proposed development and for making modifications to the proposal to allow it to better satisfy the purpose and intent of the PCID district and to meet all requirements of this ordinance. The required additional materials are:

- a) A statement which confirms the ownership or control of the property, the natures of the applicant's interest in the same, and the place of record of the latest instrument in the chain of title for each parcel constituting the subject property.
- b) Request for any modifications pursuant to Section 4-612 above. Such requests shall be specific as to all modifications that are being requested, why they are needed or desired and shall provide detailed justification as to how, if approved, the modifications will serve public purposes to at least an equivalent degree as the ordinances being modified.
- c) A traffic study to cover on-site traffic generation and distribution and off-site impacts. This traffic study must be acceptable to the Director as to content and technical form before the application is deemed to be complete.
- d) A statement indicating the extent, approximate timing and estimated

costs of proposed off-site infrastructure improvements such as roads, water, sanitary sewer and stormwater management facilities necessary to construct the development. This statement should identify those facilities to be constructed by the applicant and explain how those to be constructed by others will be provided.

- e) A draft Proffer Statement to address mitigation of impacts, including but not limited to, transportation impacts, impacts on public facilities such as schools.

**4-614      General Standards for Approval of a Rezoning to the Planned Commercial Industrial Development District**

In addition to the specific requirements of this section and the standards for rezoning for all development contained in Section 13-200, the Planning Commission in its review and recommendation and the Board in its approval shall find that the following general standards relating to planned development have been satisfied:

- 1) The development is in substantial conformance to the adopted Comprehensive Plan with respect to type, character and intensity of use and public facilities.
- 2) The design of the development is of such that it achieve the adopted goals of the Comprehensive Plan and the stated purposes of the PCID Ordinance.
- 3) The development efficiently utilizes the available land and protects and preserves to the extent possible all scenic assets and natural features such as trees, streams and topographic features.
- 4) The development is designed to prevent substantial injury to the use and value of existing surrounding development, and shall not hinder, deter or impede development of surrounding properties in accordance with the adopted Comprehensive Plan.
- 5) The development shall be located in an area in which transportation, police and fire protection, other public facilities and utilities, including water and sewer, are or will be available and adequate for the uses proposed; provided, however, that the applicant shall make provision for such facilities or utilities which are not presently available.

**4-615      Validity of the Approved Development Plan**

The approved Development Plan shall specify the period of time for which the Plan shall remain valid and what actions must be performed and in what manner in order to continue or extend the period of validity. Upon expiration of any plan no development may occur until the plan is reapproved by the Board of Supervisors in accordance with the provisions of Section 4-605 and Article V.

**4-616      Deviations from and Modifications to the Approved Concept Plan**

Development of the PCID district shall be in substantial conformance with the Concept Development Plan. Minor deviations from the approved Concept Plan may be permitted when the Director determines that such are necessary due to the

requirements of topography, drainage, structural safety or vehicular circulation and such deviations will not materially alter the character of the approved Development Plan including the proposed development phasing and does not violate other binding components of the Plan including approved Proffers. In no case shall deviations include changes to the general location and types of land uses; or an increase of greater than 5% in overall floor area; or decreases in total area for open space. Changes not in conformance with this section or not deemed minor deviations shall require a special exception in conformance with Section 4-605 and Article V, provided however changes to any approved proffers shall be made in conformance with Section 13-200.

## **PART 7**

### **4-700 PLANNED DEVELOPMENT MIXED USE DISTRICT (PDMU)**

#### **4-701**

##### **Purpose and Intent**

The PDMU District is established to provide a limited range of commercial retail, service and office uses, as well as civic and residential uses. The district regulations are designed to allow the types of commercial uses that are compatible with public uses such as schools and which serve only the immediate neighborhood. In general, uses within this district should preserve the neighborhood feeling of the community and should not degrade the existing quality of life. Included within these proposed uses would be limited shopping center uses.

Planned Development Mixed Use Districts shall be planned and developed as a single entity, subject to an approved development plan. PDMU Districts shall be located within Service Districts and in locations designated for such use in the Comprehensive Plan. It is intended that these regulations provide flexibility in internal relationships and design elements. The PDMU provides a single zoning district which promotes an integrated business community within which business and residences are conveniently linked.

In general, the PDMU District is planned for mixed commercial/office/civic/residential uses which serve as a transitional district between more intensive commercial uses and low density residential uses.

#### **4-702**

##### **Size and Location**

The minimum area required for the establishment of a PDMU district shall be 25 acres. Additional acres may be added to an established PDMU if they adjoin and form a logical addition to the approved development of an established PDMU. The procedure for an addition shall be same as if an original application were filed and all requirements shall apply except the minimum acreage requirement above. The minimum acreage for such additions shall be five (5) acres.

The PDMU shall be located within an area of a Service District which has sufficient infrastructure to support the proposed development, including roads, public facilities and utilities, or where sufficient infrastructure is planned and expected to be in place. In cases where necessary infrastructure is not yet available, the applicant for a PDMU shall make provisions for the necessary infrastructure in the development plan.

#### **4-703**

##### **Principal Uses Permitted**

The following principal uses shall be permitted, subject to designations of areas and sites for such uses in the approved development plan and subject to the use limitations set forth in Section 4-707 below:

Single Family Dwellings  
Duplex Dwellings  
Eating Establishment (Excluding Fast Food)  
Farmer's Market  
Florist  
Retail Sales Establishment (less than 5,000 sq. ft.)  
Greenhouse/Plant Nursery  
Photographic Studio  
Barber/Beauty Salon  
Dance/Music Studio  
Daycare Center  
Financial Institutions  
Dry Cleaners (drop-off only)  
Repair Service Establishment  
Health Club/Spa  
Library  
Office, Business  
Office, Professional  
Public Safety Facility  
Recreation Facility (athletic and non-athletic)  
School, Preschool  
School, Primary  
School, Secondary/Advanced  
School, Technical (indoor)  
Swimming/Tennis Facility

**4-704**

**Secondary Uses Permitted**

The following secondary uses shall be permitted only in the PDMU which contains one or more principal use; such secondary uses shall be supportive and complementary to (i.e. which serves the users of) existing permitted principal uses. Areas and sites for such uses shall be shown in the approved Development Plan and subject to the use limitations set forth in Section 4-707 below.

Parks, playgrounds, community centers and non-commercial recreational and cultural facilities which are not commercial, public or quasi-public.

Electric, gas, water, sewer and tower facilities, including transformers, pipes, meters, pump stations and related facilities for distribution of local services.

Temporary buildings, the uses of which are incidental to construction operations during development being conducted on the same or adjoining tract or section and which shall be removed upon completion or abandonment of such construction.

**4-705**

**Special Permit Uses**

Place of Worship  
Post Office  
Eating Establishment, Fast Food  
Museum

**4-706****Special Exception Uses**

Civic/Government Center (excluding detention facilities) Retail Sales Establishment and Shopping Center, 5,000 sq. ft. or greater, but less than 75,000 sq. ft.

Museum

Conference Center

Spectator/Non-Spectator Field Events (Class C)

Continuing Care Facility

**4-707****Use Limitations**

Unless otherwise specified in this Article or modified pursuant to Section 4-713 below, all uses shall conform to the general and specific use limitations and performance standards of Article 6 (Accessory Uses, Accessory Service Uses and Home Occupations); Article 7 (Off-Street Parking and Loading, Private Streets); Article 8 (Signs); and Article 9 (Performance Standards) of this Ordinance. Specific use limitations relating to the PDMU are:

- a. Access. No individual lots shall have direct access to an arterial or major collector road.
- b. Utility Location. All utility distribution lines shall be placed underground.
- c. Site Planning. Within any PDMU district, the site plan shall provide for efficient groupings of structures, uses and facilities, convenient and safe pedestrian access and for smooth and convenient vehicular traffic flow within the district and at points of entry and exit.
- d. The maximum land area used for retail uses shall not exceed 25 percent of the total permitted Floor Area Ratio (FAR) of the PDMU.

**4-708****Lot and Building Requirements**

Except as specified below and in Section 4-707, Use Limitations, above and as may be modified pursuant to Section 4-612 below by the Board of Supervisors in approving the PDMU, lot size, lot width, yards and setbacks, height limits, road frontage and access shall be the same as specified in this ordinance for the conventional district for the same use or the conventional use most approximating the Planned Development Mixed Use Zone.

1. Location Adjacent to Roads

No building, outdoor storage, areas for the collection of refuse, or loading areas shall be located any closer than 100 feet from the right-of-way of any arterial road, 75 feet from the right-of-way of a major collector and 35 feet from any private access easement or prescriptive easement.

2. Location Adjacent to Agricultural and Residential Districts

No building, outdoor storage, areas for the collection of refuse or loading areas shall be permitted closer than 150 feet to any agricultural district, or to any existing or planned residential district.

Outdoor storage, areas for the collection of refuse and loading space located between buildings and such agricultural districts, or existing or planned residential districts where such uses are visible from the said agricultural or residential areas shall be effectively screened. To accomplish this screening a landscaping and screening plan must be submitted and approved as part of site plan review and approval.

3. Building Height

The height of buildings shall not exceed two stories or thirty-five (35) feet.

4. Residential Density, 1-3 DU/acre

**4-709 Floor Area Ratio**

The maximum floor area ratio permitted shall be a floor area ratio (FAR) of 25 percent of the gross area of the PDMU exclusive of floodplain.

**4-710 Residential/Commercial Ratio**

Residential acreage must equal sixty percent (60%) of the total acreage.

**4-711 Open Space, Landscaping and Buffering**

1. Open Space General

The development plan for the PDMU District shall provide for a minimum of 20% of the total site as open space. Open space shall not include vehicular areas such as streets, roads, travelways and parking lots. Open space may encompass public and private open space, buffer areas, utility easements, wetlands and floodplains. To ensure park-like character within such districts, and to minimize the impact upon adjoining agricultural and residential areas, open space and landscaping shall be located and organized in such a way as to maximize the visual effect of green spaces as seen from public ways and adjoining agricultural and residential areas.

2. Screening and Buffering

Landscaping, buffering and screening shall be used to screen outdoor storage, areas for collection of refuse, loading areas and parking from streets, agricultural and residential uses. Where the PDMU district is immediately adjacent to an existing or planned residential use, the development plan shall include a landscaping and buffering plan to minimize visual and noise impacts to residential uses from all uses on the PDMU site.

**4-712 Ownership, Operation and Maintenance of Common Open space and Common Facilities**

The approved Development Plan shall include provisions for the ownership, operation and management of all common open space, common private facilities, including private streets, parking, trails and pathways and lakes and commercial areas.



**Architectural Controls and Design Standards**

A PDMU district is intended to be of a scale, size and location which encourages a harmonious environment and which embodies design features to maximize the park-like nature of the development and to minimize negative impacts on adjacent residential properties. To this end, any application for rezoning to the PDMU district shall include specific plans for architectural controls and design standards which shall be approved by the Board of Supervisors as part of the rezoning and shall govern the development and construction of improvements on the subject property. These plans shall specify how the controls and standards will be approved for individual projects, how they will be enforced and how and by whom they may be amended. In addition, proposed PDMU's should adhere to neo-traditional design standards which use the following design elements:

1. neighborhoods that are limited in size and oriented toward pedestrian activity;
2. a variety of housing types, jobs, shopping, services, and public facilities;
3. residences, shops, workplaces, and civic buildings interwoven within the neighborhood, all within close proximity;
4. a network of interconnecting streets and blocks that maintains respect for the natural landscape;
5. natural features and undisturbed areas that are incorporated into the open space for the neighborhood;
6. a coordinated transportation system with a hierarchy of approximately designed facilities for pedestrians, bicycles, public transit, and automotive vehicles;
7. well-configured squares, plazas, greens, landscaped streets, preserves, greenbelts, and parks woven into the pattern of the neighborhood and dedicated to the collective social activity, recreation, and visual enjoyment of the populace;
8. civic buildings, open spaces, and other visual features that act as landmarks, symbols, and focal points for community identity;
9. compatibility of buildings and other improvements as determined by their arrangement, bulk, form, character, and landscaping to establish a livable, harmonious, and diverse environment;
10. private buildings that form a consistent, distinct edge and define the border between the public street space and the private block interior; and
11. architecture and landscape that respond to the unique character of the county.

**Modifications**

In order to better accomplish the purposes of the PDMU district as set forth in Section 4-700 the Board of Supervisors may, after review and recommendation by the Planning Commission, modify the regulations of this Ordinance and the Subdivision Ordinance upon a finding that the proposed modifications, although not literally in accord with applicable regulations, will satisfy public purposes of the ordinance and regulations to at least an equivalent degree. Modifications to regulations shall be requested and processed concurrent with the rezoning to the PDMU district pursuant to provisions listed in Section 4-715 below and Section 13-200 of this Ordinance. However, no modifications shall be permitted which affect uses, use limitations as listed in Section 4-707 of this ordinance, floor area ratio of the PDMU district, and requirements regulating setbacks from off-site roads and uses.

#### **4-715**

#### **Rezoning to the Planned Development Mixed Use District**

Rezoning to the PDMU district shall be established by amending the Zoning Map of Fauquier County. The procedures for such an amendment shall be generally as set forth in Section 13-200 of this Ordinance except as provided below. In the event of conflict between the provisions of Section 13-200, the provisions below shall prevail.

##### **1. Pre-Application Conference**

Applicants for rezoning to the PDMU shall meet with Department of Community Development staff and other appropriate review agencies to review the proposed development plan prior to formal submittal. The purpose of such conference shall be to assist in bringing the application and material submitted therewith as nearly as possible into conformity with these or other regulations applying in the case. The conference shall also identify specific modifications to the regulations which may be requested pursuant to Section 4-714 above, and which seem justified by alternative means to achieve the public purpose for such regulations to at least an equivalent degree. The timing and number of pre-application conferences shall be as mutually agreed to by the applicant and staff.

##### **2. Development Plans - General**

All rezonings to the PDMU shall require a development plan approved by the Board of Supervisors. The approved development plan shall govern the development of the project and shall be binding on all current and future owners of the property. The development plan shall consist of a concept development plan and other documents which may include, but not be limited to, proffer statements, dedications, contributions, and design standards.

##### **3. The Concept Development Plan**

Applicants for rezonings to the PDMU shall submit at time of application a proposed concept development plan which shall include on one or more plats not exceeding 24 by 36 inches in size at a scale to be approved by the Director.

- a. The location and functional relationships of all land uses including the types, number of units and floor area ratio for each bay or mode of development.

- b. The location of roads, streets and travelways to provide vehicular traffic circulation, the proposed classification of streets and right-of-way requirements.
- c. The general location of proposed open space and the type of ownership proposed.
- d. The proposed phasing and sequence of the development plan for each phase and the projected start and completion dates, the density, and approximate type and number of structures, the percentage of each tract to be occupied by structures and the floor area ratio and general design standards for all uses.
- e. Topographic information with maximum contour intervals of five (5) feet at a scale to be approved by the Director, soils information to include a map identifying soil types at a scale to be approved by the Director, and the limits of floodplain, if any, on the site.
- f. The approximate limits of clearing and grading for each separate tract of development.
- g. A conceptual landscaping and buffering plan.

#### 4. Additional Submission Materials

The following additional materials shall be submitted at the time of the application. These materials are to be used by staff, the Planning Commission and the Board of Supervisors in reviewing and evaluating the application and may, along with the proposed concept development plan and basic application materials required by Section 13-200 of this ordinance, form a basis for identification and mitigation of impacts of the proposed development and for making modifications to the proposal to allow it to better satisfy the purpose and intent of the PDMU district and to meet all requirements of this ordinance. The required additional materials are:

- a. A statement which confirms the ownership or control of the property, the natures of the applicant's interest in the same, and the place of record of the latest instrument in the chain of title for each parcel constituting the subject property.
- b. Request for any modifications pursuant to Section 4-714 above. Such requests shall be specific as to all modifications that are being requested, why they are needed or desired and shall provide detailed justification as to how, if approved, the modifications will serve public purposes to at least an equivalent degree as the ordinances being modified.
- c. A traffic study to cover on-site traffic generation and distribution and off-site impacts. This traffic study must be acceptable to the Director as to content and technical form before the application is deemed to be complete.
- d. A statement indicating the extent, approximate timing and estimated

costs of proposed off-site infrastructure improvements such as roads, water, sanitary sewer and stormwater management facilities necessary to construct the development. This statement should identify those facilities to be constructed by the applicant and explain how those to be constructed by other will be provided.

- e. A draft proffer statement to address mitigation of impacts, including but not limited to, transportation impacts, impacts on public facilities such as schools.

**4-716                    General Standards for Approval of a Rezoning to the Planned Development Mixed Use District**

In addition to the specific requirements of this section and the standards for rezoning for all development contained in Section 13-200, the Planning Commission in its review and recommendation and the Board in its approval shall find that the following general standards relating to planned developments have been satisfied:

1.        The development is in substantial conformance to the adopted Comprehensive Plan with respect to type, character and intensity of use and public facilities.
2.        The design of the development is of such that it achieve the adopted goals of the Comprehensive Plan and the stated purposes of the PDMU Ordinance.
3.        The development efficiently utilizes the available land and protects and preserves to the extent possible all scenic assets and natural features such as trees, streams and topographic features.
4.        The development is designed to prevent substantial injury to the use and value of existing surrounding development, and shall not hinder, deter or impede development of surrounding properties in accordance with the adopted Comprehensive Plan.
5.        The development shall be located in an area in which transportation, police and fire protection, other public facilities and utilities, including water and sewer, are or will be available and adequate for the uses proposed; provided, however, that the applicant shall make provision for such facilities or utilities which are not presently available.

**4-717                    Validity of the Approved Development Plan**

The approved development plan shall specify the period of time for which the Plan shall remain valid and what actions must be performed and in what manner in order to continue or extend the period of validity. Upon expiration of any plan no development may occur until the plan is reapproved by the Board of Supervisors in accordance with the provisions of Section 13-200 and Article V.

**4-718                    Deviations from the Modifications to the Approved Concept Plan**

Development of the PDMU district shall be in substantial conformance with the concept development plan. Minor deviations from the approved concept plan may be permitted when the Director determines that such are necessary due to the requirements of topography, drainage, structural safety or vehicular circulations and such deviations will not materially alter the character of the approved development

plan including the proposed development phasing and does not violate other binding components of the plan including approved proffers. In no case shall deviations include changes to the general location and types of land uses; or an increase of greater than 5% in overall floor area; or decreases in total area for open space. Changes not in conformance with this section or not deemed minor deviations shall require a special exception in conformance with Section 4-714 and Article V, provided however changes to any approved proffers shall be made in conformance with Section 13-200.